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PATENT

S/N 09/955,798

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|               |                                                                                                    |                   |              |
|---------------|----------------------------------------------------------------------------------------------------|-------------------|--------------|
| Applicant:    | DIJS                                                                                               | Examiner:         | WEINSTEIN    |
| Serial No.:   | 09/955,798                                                                                         | Group Art Unit:   | 1761         |
| Filed:        | September 19, 2001                                                                                 | Docket No.:       | 9424.201USC1 |
| Customer No.: | 23552                                                                                              | Confirmation No.: | 1409         |
| Title:        | ASSEMBLY FOR USE IN A COFFEE MACHINE FOR PREPARING<br>COFFEE, CONTAINER AND POUCH OF SAID ASSEMBLY |                   |              |

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 143533044

Date of Deposit: November 7, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Teresa Anderson  
Name: Teresa Anderson

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(c))

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits or a first Office Action after filing a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d), but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. Enclosed is a check in the amount of \$180.00 under 37 C.F.R. § 1.17(p) for consideration of the items listed on the enclosed Form 1449.

11/13/2003 MBELETE1 00000015 09955798

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180.00 OP

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

This application is a continuation of U.S. Patent Application Serial No. 09/479,630, filed January 7, 2000, which claims priority to Netherlands Application No. 1007171, filed September 30, 1997. European Patent 0 904 717 B1 ("EP '717") also claims priority to Netherlands Application No. 1007171. Therefore, EP '717 is a foreign equivalent to the present application. EP '717 is currently the subject of opposition proceedings before the European Patent Office (see Exhibit Q attached to the Form 1449), as well as litigation currently pending in several European countries, including Germany, the Netherlands, and Belgium.

The parties to these proceedings generally include the Applicant (Sara Lee/D.E. N.V.), and N.V. Beyers Koffie and S.A. Café Liegeois, both of Belgium. The proceedings remain pending before the European Patent Office and various courts in the noted European countries, and resolution has not yet been reached.

During the course of the above-noted proceedings, information and documents have been exchanged that may bear on the patentability of the current application. In keeping with Applicant's duty of disclosure under 37 C.F.R. § 1.56(a) and further in view of M.P.E.P. § 2001.06(c) involving information from related litigation, Applicant is submitting this Form 1449, which includes documents that Applicant possesses from the proceedings that may be material to the patentability of this application.

Further, during the proceedings, various assertions have been made, including that EP '717 lacks novelty or inventive step, and that EP '717 does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person of skill in the art. Applicant notes that these assertions have been made under European law with respect to EP '717. Therefore, European law related to the standards for patentability may differ from U.S. patentability standards, and the claims of EP '717 may differ from the claims of the present application.

If, after review of the submitted information relating to the above-identified proceedings, the Examiner requires additional information relating to the information disclosed during the proceedings, Applicant requests that the Examiner contact Applicant's undersigned representative, and Applicant will work diligently to provide the Examiner with all such information that is at Applicant's disposal.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicant reserves the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicant does not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

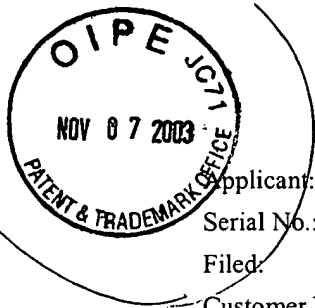
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612) 332.5300

Dated: November 7, 2003

By: Robert A. Kalinsky  
Robert A. Kalinsky  
Reg. No. 50,471  
RAK



41 11-10-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DIJS Examiner: WEINSTEIN  
Serial No.: 09/955,798 Group Art Unit: 1761 ✓  
Filed: September 19, 2001 Docket: 9424.201USC1  
Customer No. 23552 Confirmation No. 1409

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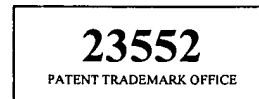
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By: Teresa Anderson  
Name: Teresa Anderson

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 21 Reference(s)
- ☒ Check(s) in the amount of \$180.00 for Information Disclosure Statement
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

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P.O. Box 2903, Minneapolis, MN 55402-0903  
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By: Robert A. Kalinsky  
Name: Robert A. Kalinsky  
Reg. No.: 50,471  
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